



STATE OF CONNECTICUT
DEPARTMENT OF ENVIRONMENTAL PROTECTION



STATE OF CONNECTICUT

VS.

ROSS & ROBERTS, INC.

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CONSENT ORDER NO. 8237

CONSENT ORDER

- A. With the agreement of Ross & Roberts, Inc. ("Respondent") the Commissioner of Environmental Protection ("Commissioner") finds the following:
1. Respondent is a Delaware corporation that manufactures vinyl sheet products at 1299 West Broad Street in Stratford, Connecticut ("facility").
2. At the facility, Respondent operates the following volatile organic compound (VOC) emitting equipment: one Bigelow 750 HP boiler, two Wolverine ovens, three laminators, two coating lines, and two calender lines.
3. The two calender lines (calender lines B and C) produce vinyl sheet products from raw materials. The calender lines emit hydrocarbons, particulate matter containing VOCs, and condensable organic compounds (COCs).
4. At the facility, Respondent operates a Fiberbed Emission Control (FEC) system with the calender lines, which has demonstrated it can reduce particulate matter and VOC emissions from the calender lines. According to Respondent, the FEC system has an average overall control efficiency of 25% of total hydrocarbons, a 78% removal efficiency of particulate matter, and a 16.1 % removal efficiency of COCs.
5. The potential VOC emissions from the calender lines are greater than twenty-five (25) tons per calendar year, therefore the calender lines are subject to the requirements of Section 22a-174-32 of the Regulation of Connecticut State Agencies (R.C.S.A.).
6. Actual emissions from the calender lines have exceeded 25 tons per calendar year since December 31, 1995, therefore, pursuant to Section 22a-174-32 of the R.C.S.A., Respondent is required to implement Reasonably Available Control Technology (RACT) to reduce emissions of VOC from the calender lines.

7. Pursuant to Section 22a-174-32 of the R.C.S.A., Respondent is required to submit for the Commissioner's review and approval a VOC RACT compliance plan. Upon such approval, Respondent is required to implement the approved VOC RACT method in accordance with the approved plan.
8. Pursuant to Section 22a-174-32(e)(6) of the Regulations, Respondent submitted a VOC RACT plan, specifically, an Alternative Compliance Plan ("ACP") dated September 28, 2001. The VOC RACT plan has been reviewed and is hereby approved by the Commissioner with the conditions specified in Paragraph B of this Consent Order.
9. According to Respondent's ACP:
  - a. Since 1997, Respondent has undergone a process of reformulation and has reduced the VOC content of the raw materials used in the calender lines.
  - b. Respondent has been operating and maintaining control technology to further reduce VOC emissions. Specifically, Respondent has been reducing VOC emissions from the calender lines by using the FEC system, which reduces emissions of hydrocarbons, VOC containing particulate matter, and COCs.
  - c. Through a combination of raw material reformulation and the FEC system, Respondent has reduced the average VOC emission from the calender lines by 79.4% since the baseline year of 1990; this reduction represents RACT for the calender lines.
  - d. The installation of additional control equipment is economically infeasible.
  - e. For products they have the potential to produce, they have achieved their maximum VOC reductions through raw material reformulation.
  - f. RACT for the calender lines should be reflected through a VOC emissions limit and operation and maintenance requirements for the FEC system.
- B. The Commissioner, acting under Sections 22a-6, 22a-171, 22a-174, 22a-177, and 22a-178 of the Connecticut General Statutes, orders the Respondent as follows:
  1. Upon issuance of this Consent Order, Respondent shall limit the average monthly emissions of VOCs generated from the use of raw materials in the calender lines to at or below 0.002 lbs. of VOC/ lb. of material produced in the calender lines.
  2. Also upon issuance of this Consent Order, Respondent shall limit the annual emissions of VOCs generated from the calender lines to below 30 tons per year. This annual emission limit shall be based on any consecutive twelve (12) month time period and shall be determined by adding each month's VOC emissions to that of the previous eleven (11) months.
  3. Respondent shall continue to use its FEC system, or a replacement system as defined in paragraph B.5, to reduce VOC emissions from the calender lines. The calender lines and

associated VOC emitting equipment shall not be operated unless the FEC system or a replacement system is operating in accordance with this Consent Order.

4. The FEC system shall achieve an overall control efficiency (capture and control) of no less than 25% of VOCs, measured as total hydrocarbons, emitted from the calender lines.
5. A replacement capture system and/or control device may be used to control VOC emissions from the calender lines B and C provided it achieves at least the same VOC capture and control efficiencies, measured as total hydrocarbons, as the FEC. Notwithstanding, if the replacement control device is subject to the requirements of Section 22a-174-32(e)(2)(B) or (C) or permit requirements, the more stringent control efficiency shall apply. Any replacement capture system or control device must be approved by the Commissioner and the Environmental Protection Agency (EPA).
6. Monitoring. The FEC system or its replacement shall be operated and maintained in accordance with the manufacturer's recommendations and in accordance with the following:
  - a. The FEC filters must be replaced when the pressure drop reaches 12 inches W.C. or if the variable frequency of the fan drive reaches 100%, whichever occurs first.
  - b. A set of replacement FEC filters shall be maintained at the facility.
  - c. In order to verify compliance with the percent efficiency requirement of paragraph B.4 of this Consent Order, Respondent shall conduct VOC capture and control emission testing pursuant to paragraph B.6 of this Consent Order. Such testing shall be completed by the last day of May every five years following the date such testing was last conducted pursuant to this Consent Order. The first testing shall be completed by the end of May 2005 (five years from the last test performed) and shall continue to be conducted at least every five years thereafter unless otherwise notified by the Commissioner.
  - d. Respondent shall conduct initial VOC emission capture and/or control testing in accordance with paragraph B.7.c of this Consent Order and Section 22a-174-5 of the R.C.S.A. within 180 days of startup of any replacement capture system and/or control device installed to capture and/or control VOC emissions from the calender lines pursuant to paragraph B.3 of this Consent Order. This testing shall be conducted to demonstrate compliance with the capture and control efficiencies required by paragraph B.5 of this Consent Order.
7. Emissions testing. Except as otherwise provided in this Consent Order or by the Commissioner in writing, all emissions testing required under this consent order shall be conducted and reported as follows: Respondent shall submit to the Commissioner for his review and written approval an Intent To Test ("ITT") protocol for such emissions testing. The ITT protocol shall include at least:
  - a. The Department's Bureau of Air Management Test Form No. 1, "Intent to Test";

- b. A detailed description of all aspects of facility operations (e.g., type and quantity of raw materials utilized) and of any air pollutant control equipment in use (e.g., screen mesh size, control equipment efficiency) which may affect emissions testing results, and how and when such information will be monitored;
- c. A detailed description of each emissions testing and analytical methodology to be utilized, provided that all such methodologies shall conform to those approved by the U.S. Environmental Protection Agency and the Commissioner; and
- d. A description of each discharge point at which emissions testing is to be conducted.

Respondent shall provide to the Commissioner any information that the Commissioner deems necessary to review Respondent's ITT protocol. Within sixty (60) days after the Commissioner approves an ITT protocol, Respondent shall complete emissions testing in accordance therewith. Respondent shall schedule all emissions testing so as to allow the Commissioner to be present during such testing and to independently verify relevant facility operations, air pollution control equipment parameters, and testing procedures. Within sixty (60) days after completing any emissions testing required by this Consent Order, Respondent shall submit to the Commissioner a written report providing the results of such testing; within fifteen (15) days of a notice from the Commissioner indicating any deficiencies in such report, Respondent shall submit a revised report.

8. Record Keeping.

- a. Respondent shall make and keep such records that are necessary to reliably calculate actual monthly and annual emissions of VOCs from the calender lines in order to demonstrate compliance with the emission limitations of paragraphs B.1 and B.2 of this Consent Order. These records shall be kept in accordance with Section 22a-174-32(g) of the R.C.S.A, Sections VI.C of Respondent's Title V permit (no. 178-0090-TV) and this Consent Order. For paragraph B.1 and B.2, such records shall be created for each calendar month and for paragraph B.2, for each consecutive 12-month period.
- b. Respondent shall keep records of the total weight, measured in pounds, of material produced in the calender lines including, but not limited to, sellable product, scrap and trimmings.
- c. Respondent shall keep the results of any VOC emission capture and control testing performed at the facility.
- d. Respondent shall make and keep daily records of the pressure drop of the FEC (measured in inches of water) and the variable frequency of the fan drive of the FEC.
- e. Respondent shall keep a log of operating time for the capture system, control device, monitoring equipment, and the calender equipment.
- f. Respondent shall keep a maintenance log for the capture system, control device, and

monitoring equipment detailing all routine and maintenance performed including dates and duration of any outages.

- g. Respondent shall keep each record required by this subsection of this Consent Order at the premise for five years after the date that such record is made.

9. Reporting Requirements.

- a. Respondent shall submit to the Commissioner an annual VOC emissions summary report using records made in accordance with paragraph B.7 of this Consent Order.
- b. To demonstrate compliance with paragraph B.1, the report shall contain the monthly emissions of VOCs, expressed in pounds of VOCs generated from the calender lines per pound of material produced in the calender lines, for each month during the previous calender year.
- c. To demonstrate compliance with paragraph B.2, the report shall contain the VOC emissions from the calender lines for each and every month consecutive 12-month period, which ended during the previous calendar year, expressed as a twelve-month aggregate.
- d. The report shall also contain a summary of the previous year's pressure drops and variable fan drive records of the FEC.
- e. The report shall be submitted to the Commissioner on or before January 30<sup>th</sup> of every calendar year in accordance with paragraph B.14 of this Consent Order.
- f. If a replacement capture system and/or control device is installed to control VOC emissions from the calender lines, within 30 days of installing such system or device, Respondent shall submit an updated VOC/RACT plan. The plan shall identify the replacement system and propose an emission testing schedule and relevant monitoring and data recording devices and procedures that have been implemented to determine continued compliance with capture and control efficiency requirements of this Consent Order, the respective permit or applicable R.C.S.A. Based on the plan, this Consent Order may be modified to reflect relevant changes in equipment identification, and monitoring and data recording devices and procedures.

10. Full compliance. Respondent shall not be considered in full compliance with this Consent Order until all actions required by this Consent Order have been completed as approved and to the Commissioner's satisfaction.

11. Approvals. Respondent shall use best efforts to submit to the Commissioner all documents required by this Consent Order in a complete and approvable form. If the Commissioner notifies Respondent that any document or other action is deficient, and does not approve it with conditions or modifications, it is deemed disapproved, and Respondent shall correct the deficiencies and resubmit it within the time specified by the Commissioner or, if no time is specified by the Commissioner, within 30 days of the Commissioner's notice of deficiencies. In approving any document or other action under this Consent Order, the Commissioner may approve the document or other action as submitted or performed or with such conditions or

modifications as the Commissioner deems necessary to carry out the purposes of this Consent Order. Nothing in this paragraph shall excuse noncompliance or delay.

12. Definitions. As used in this Consent Order, "Commissioner" means the Commissioner or a representative of the Commissioner. The date of "issuance" of this Consent Order is the date the Consent Order is deposited in the U.S. mail or personally delivered, whichever is earlier.
13. Dates. The date of submission to the Commissioner of any document required by this Consent Order shall be the date such document is received by the Commissioner. The date of any notice by the Commissioner under this Consent Order, including but not limited to notice of approval or disapproval of any document or other action, shall be the date such notice is deposited in the U.S. mail or is personally delivered, whichever is earlier. Except as otherwise specified in this Consent Order, the word "day" as used in this Consent Order means calendar day. Any document or action which is required by this Consent Order to be submitted or performed by a date which falls on a Saturday, Sunday or a Connecticut or federal holiday shall be submitted or performed by the next day which is not a Saturday, Sunday or Connecticut or federal holiday.
14. Certification of documents. Any document, including but not limited to any notice, which is required to be submitted to the Commissioner under this Consent Order shall be signed by Respondent or, if Respondent is not an individual, by Respondent's chief executive officer or a duly authorized representative of such officer, as those terms are defined in §22a-430-3(b)(2) of the Regulations of Connecticut State Agencies, and by the individual(s) responsible for actually preparing such document, and Respondent or Respondent's chief executive officer and each such individual shall certify in writing as follows:  
  
"I have personally examined and am familiar with the information submitted in this document and all attachments thereto, and I certify, based on reasonable investigation, including my inquiry of those individuals responsible for obtaining the information, that the submitted information is true, accurate and complete to the best of my knowledge and belief. I understand that any false statement made in the submitted information is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law."
15. Noncompliance. This Consent Order is a final order of the Commissioner with respect to the matters addressed herein, and is nonappealable and immediately enforceable. Failure to comply with this Consent Order may subject Respondent to an injunction and penalties.
16. False statements. Any false statement in any information submitted pursuant to this Consent Order is punishable as a criminal offense under §53a-157b of the Connecticut General Statutes and any other applicable law.

17. Notice of transfer; liability of Respondent. Until Respondent has fully complied with this Consent Order, Respondent shall notify the Commissioner in writing no later than 15 days after transferring all or any portion of the facility, the operations, the site or the business which is the subject of this Consent Order or after obtaining a new mailing or location address. Respondent's obligations under this Consent Order shall not be affected by the passage of title to any property to any other person or municipality.
18. Commissioner's powers. Nothing in this Consent Order shall affect the Commissioner's authority to institute any proceeding or take any other action to prevent or abate violations of law, prevent or abate pollution, recover costs and natural resource damages, and to impose penalties for past, present, or future violations of law. If at any time the Commissioner determines that the actions taken by Respondent pursuant to this Consent Order have not successfully corrected all violations, fully characterized the extent or degree of any pollution, or successfully abated or prevented pollution, the Commissioner may institute any proceeding to require Respondent to undertake further investigation or further action to prevent or abate violations or pollution.
19. Respondent's obligations under law. Nothing in this Consent Order shall relieve Respondent of other obligations under applicable federal, state and local law.
20. No assurance by Commissioner. No provision of this Consent Order and no action or inaction by the Commissioner shall be construed to constitute an assurance by the Commissioner that the actions taken by Respondent pursuant to this Consent Order will result in compliance or abate pollution.
21. Access to facility. Any representative of the Department of Environmental Protection and the Environmental Protection Agency may enter the facility without prior notice for the purposes of monitoring and enforcing the actions required or allowed by this Consent Order.
22. No effect on rights of other persons. This Consent Order neither creates nor affects any rights of persons or municipalities that are not parties to this Consent Order.
23. Notice to Commissioner of changes. Within 15 days of the date Respondent becomes aware of a change in any information submitted to the Commissioner under this Consent Order, or that any such information was inaccurate or misleading or that any relevant information was omitted, Respondent shall submit the correct or omitted information to the Commissioner.
24. Notification of noncompliance. In the event that Respondent becomes aware that it did not or may not comply, or did not or may not comply on time, with any requirement of this Consent Order or of any document required hereunder, Respondent shall immediately

notify by telephone the individual identified in the next paragraph and shall take all reasonable steps to ensure that any noncompliance or delay is avoided or, if unavoidable, is minimized to the greatest extent possible. Within five (5) days of the initial notice, Respondent shall submit in writing the date, time, and duration of the noncompliance and the reasons for the noncompliance or delay and propose, for the review and written approval of the Commissioner, dates by which compliance will be achieved, and Respondent shall comply with any dates which may be approved in writing by the Commissioner. Notification by Respondent shall not excuse noncompliance or delay, and the Commissioner's approval of any compliance dates proposed shall not excuse noncompliance or delay unless specifically so stated by the Commissioner in writing.


25. Submission of documents. Any document required to be submitted to the Commissioner under this Consent Order shall, unless otherwise specified in this Consent Order or in writing by the Commissioner, be directed to:

Supervisor  
Department of Environmental Protection  
BUREAU OF AIR MANAGEMENT  
Compliance Analysis and Coordination Unit  
79 Elm Street  
Hartford, Connecticut 06106-5127



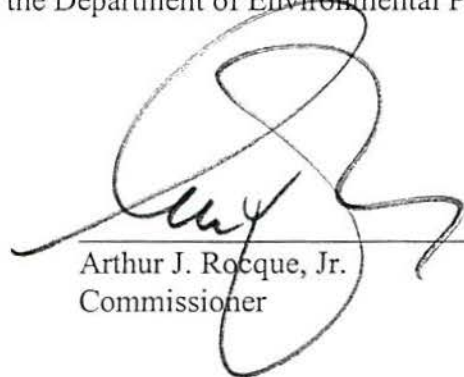
Respondent consents to the issuance of this Consent Order without further notice. The undersigned certifies that he/she is fully authorized to enter into this Consent Order and to legally bind the Respondent to the terms and conditions of the Consent Order.

Ross & Roberts, Inc.

Signature:	
Name:	SAMUEL J. ROSENBURGH
Title:	VICE PRESIDENT
Date:	7/3/02

Issued as a final order of the Commissioner of the Department of Environmental Protection on

October 4, 2002



Arthur J. Rocque, Jr.  
Commissioner

TOWN OF STRATFORD LAND RECORD

MAILED CERTIFIED MAIL, RETURN RECEIPT REQUESTED

Certified Document No. \_\_\_\_\_.